

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:04CR302
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JOZABET CASTRO-GARZON,)	
)	
Defendant.)	

This matter is before the Court on: the Defendant's motion to vacate under 28 U.S.C. § 2255 (Filing No. 252). Although the motion is entitled as one brought under 28 U.S.C. § 2241, the body of the motion indicates it was filed under § 2255. Also, although the motion was docketed as a "successive" § 2255 motion, it is the first § 2255 motion.

In the Court's previously issued Memorandum and Order (Filing No. 251), the Court explained that the time has expired for the filing of a § 2255 motion.

IT IS ORDERED:

1. The Defendant's motion to vacate under 28 U.S.C. § 2255 (Filing No. 252) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 1st day of July, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge